

**ENTERED**

September 21, 2021

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CASE NO.: 1:08-cv-361
	§	(LEAD CASE)
5.58 ACRES OF LAND, MORE OR	§	
LESS, SITUATED IN CAMERON	§	
COUNTY, TX, <i>et al.</i>	§	
	§	
<hr/>		
UNITED STATES OF AMERICA	§	
	§	
v.	§	CASE NO.: 1:08-cv-367
	§	(MEMBER CASE)
2.11 ACRES OF LAND, MORE OR	§	
LESS, SITUATED IN CAMERON	§	
COUNTY, TX, <i>et al.</i>	§	

**AGREED ORDER ESTABLISHING JUST COMPENSATION, GRANTING  
POSSESSION, DISBURSING FUNDS ON DEPOSIT IN THE COURT REGISTRY,  
AND CLOSING CASE**

This consolidated cause of action remains open only as to landowner Defendants Carlos Zepeda, Alberto Zepeda, Jr., and Jorge Zepeda (collectively, hereafter “the Zepedas”) who have not been justly compensated by Plaintiff, United States of America (“United States”) for the fee acquisition of Tract RGV-HRL-6027 in closed case Civil No. 1:08-cv-256.<sup>1</sup> The United States filed a Status Report representing to the Court that the United States and the Zepedas resolved all issues related to Tract RGV-HRL-6027, and requesting guidance from the Court on resolving Tract RGV-HRL-6027 in this cause of action in lieu of reopening Civil No. 1:08-cv-256.<sup>2</sup> The United States appeared before the Court on August 26, 2021 for a Status Conference, at which the Court

<sup>1</sup> Docs. 76 at 6, ¶ 14; 86 at 5, ¶ 8.<sup>2</sup> Doc. 86 at 6, ¶ 12.

instructed the United States and the Zepedas to file an agreed order resolving all issues as to Tract RGV-HRL-6027 in this cause of action.<sup>3</sup>

Based on the Status Report, the record in this case, and record in closed case 1:08-cv-256, the the following is hereby **ORDERED**:

1. The full and just compensation payable by the United States for the taking of the Estate in Tract RGV-HRL-6027 shall be as follows, together with all the improvements thereon and appurtenances thereto belonging, in full satisfaction of any claims of whatsoever nature against the United States for the institution and prosecution of this action and Civil No. 1:08-cv-256, including for any severance damage to the land between Tract RGV-HRL-6027 and the Rio Grande River:

**The total sum of \$89,269.00 for Tract RGV-HRL-6027, which sum is all inclusive, for the taking of the stated interest in Tract RGV-HRL-6027, identified in Amended Complaint<sup>4</sup> and Amended Declaration of Taking<sup>5</sup> in Civil No. 1:08-cv-256.**

2. Judgment shall be, and is hereby, entered against the United States in the amount of \$89,269.00, with accrued interest, for the taking of the Estate in Tract RGV-HRL-6027.

This remains deposited in the Court's Registry under this cause of action.<sup>6</sup>

3. Title to Tract RGV-HRL-6027 vested in the name of the United States by operation of law on June 12, 2008 when the United States desposited a check in the amount of \$6,800.00 into the Court's Registry as its estimated just compensation for the taking of the Estate in Tract RGV-HRL-6027.<sup>7</sup>

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<sup>3</sup> August 26, 2021 *Minute Entry*.

<sup>4</sup> Doc. 14, in Civil No. 1:08-cv-256.

<sup>5</sup> Doc. 15, in Civil No. 1:08-cv-256.

<sup>6</sup> See Doc. 4 (Clerk's Receipt); and Doc. 85 (Clerk's Receipt) in Civil No. 1:08-cv-361.

<sup>7</sup> Doc. 2 (Declaration of Taking); and Doc. 4 (Clerk's Receipt) in Civil No. 1:08-cv-256.

4. The Court finds that on September 8, 2008, the United States was found, by Order of this Court, to be entitled to immediate possession of Tract RGV-HRL-6027, and all persons in possession or control of the interests taken in Tract RGV-HRL-6027 were ordered to surrender possession of same to the United States.<sup>8</sup>
5. The United States and the Zepedas agree that on January 26, 2009, the Court issued an Agreed Order Establishing Just Compensation and Disbursing Funds on Deposit in the Registry of the Court in Civil No. 1:08-cv-256, as to Tract RGV-HRL-6027, and thereby disbursed \$7,820.00 to Juan G. Rodriguez and Maria G. Rodriguez<sup>9</sup>; that Civil No. 1:08-cv-256 closed on March 23, 2011<sup>10</sup>; that the United States determined, based on a correction deed recorded in December 2015<sup>11</sup>, that the Zepedas, and not Juan G. Rodriguez and Maria G. Rodriguez owned Tract RGV-HRL-6027 at the time of taking and thus the United States incorrectly paid Juan G. Rodriguez and Maria G. Rodriguez for Tract RGV-HRL-6027<sup>12</sup>; that Juan G. Rodriguez and Maria G. Rodriguez owned Tract RGV-HRL-6034 taken in this cause of action, adjacent to Tract RGV-HRL-6027 and of equal size (0.24 acres) and character as Tract RGV-HRL-6027; and that the Zepedas are not entitled to just compensation for the taking of Tract RGV-HRL-6034 in this cause of action.<sup>13</sup> The United States and the Zepedas agree that the Zepedas are only entitled to just compensation for the taking of the Estate in Tract RGV-HRL-6027.

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<sup>8</sup> Doc. 9 in Civil No. 1:08-cv-256.

<sup>9</sup> Doc. 12 in Civil No. 1:08-cv-256.

<sup>10</sup> Doc. 34 in Civil No. 1:08-cv-256.

<sup>11</sup> Doc. 70-12 at 4 in Lead Case 1:08-cv-361 (Correction General Warranty Deed, Vol. 21456, Pg. 232, Official Records of Cameron Cnty., TX).

<sup>12</sup> Doc. 74 at 4-5, ¶ 6 in Lead Case 1:08-cv-361.

<sup>13</sup> *Id.* 4-5, ¶¶ 4-6 in Lead Case 1:08-cv-361.

6. The total sum of \$89,269.00 for Tract RGV-HRL-6027, with accrued interest, shall be subject to all taxes, liens, and encumbrances, and charges of whatsoever nature existing against the interest in Tract RGV-HRL-6027 at the time of vesting of their respective titles in the United States, and all such real estate taxes, liens, encumbrances, and charges of whatsoever nature shall be payable and deductible from this sum.
7. The full stipulated just compensation amount for the Estate taken in Tract RGV-HRL-6027 remains in the Court's Registry.<sup>14</sup> The Clerk of Court shall, without further order of the Court, disburse the following sums, along with any accrued interest earned thereon while on deposit, as follows:
  - a. **\$29,756.34** shall be payable by check to **Carlos Zepeda** with accrued interest from date of deposit.
  - b. **\$29,756.33** shall be payable by check to **Alberto Zepeda, Jr.** with accrued interest from date of deposit.
  - c. **\$29,756.33** shall be payable by check to **Jorge Zepeda** with accrued interest from date of deposit.
8. The Zepedas warrant that they were the owners of the Estate taken in RGV-HRL-6027 on the date of taking; that they have exclusive right to the compensation for the taking of Tract RGV-HRL-6027; excepting the interest of parties having liens, encumbrances of record, and unpaid taxes and unpaid taxes and assessments, if any; and that no other party is entitled to the same or any part thereof by reason of any unrecorded agreement.
9. In the event that any other party is ultimately determined by a court of competent jurisdiction to have any right to receive compensation for the interests in the property


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<sup>14</sup> See Doc. 4 (Clerk's Receipt); and Doc. 85 (Clerk's Receipt) in Civil No. 1:08-cv-361.

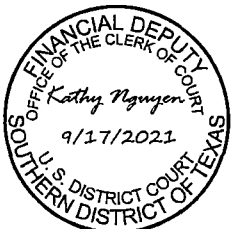
taken in Civil No. 1:08-cv-256, the Zepedas shall refund into the Registry of the Court the compensation distributed herein, or such part thereof as the Court may direct, with interest thereon at an annual rate provided in 40 U. S. C. § 3116 from the date of receipt of the respective deposit by the Zepedas to the date of repayment into the Court Registry.

10. The Zepedas shall be responsible for their own legal fees, costs, and expenses; including attorney's fees, consultant's fees, and any other expenses or costs.
11. There being no outstanding taxes or assessments due or owing, the Zepedas shall be responsible for the payment of any additional taxes or assessments owed on the interest in the property taken in Civil No. 1:08-cv-256 on the date of its respective taking.
12. The Zepedas shall take no appeal from any rulings or judgments made by the Court in this action, and the parties consent to the entry of all motions, orders, and judgments necessary to effectuate this stipulated judgment.
13. The Zepedas shall save and hold harmless the United States of America from all claims or liability resulting from any unrecorded leases or agreements affecting the interest in Tract RGV-HRL-6027 taken in Civil No. 1:08-cv-256 on the date of its respective taking.
14. This agreed order is binding on the heirs, executors, administrators, devisees, successors, assigns, agents, and representatives of the Zepedas.
15. All issues have been resolved as to Tract RGV-HRL-6027, **and there are no further issues to consider in this matter.** The Clerk of the Court is **ORDERED** to close this case.

SIGNED on September 21st, 2021, at Brownsville, Texas.

  
Fernando Rodriguez, Jr.  
United States District Judge

*Agreed Order Establishing Just Compensation, Granting Possession, Disbursing Funds On Deposit In The Court Registry,  
And Closing Case*



**AGREED AS TO FORM AND SUBSTANCE:**

**FOR DEFENDANTS**

Carlos Zepeda  
**CARLOS ZEPEDA**

Cypress, TX

*Signed by Alberto Zepeda Jr  
of Carlos Zepeda with permission  
of Alberto Zepeda Jr.*  
ALBERTO ZEPEDA, JR.

Katy, TX

George Zepeda  
**JORGE ZEPEDA**

Cypress, TX

**FOR PLAINTIFF:**

**JENNIFER B. LOWERY**

Acting United States Attorney  
Southern District of Texas

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